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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,588	10/27/2003	Swen Dorrie	INA-PT080 (4134-18-US)	3750

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,588

Applicant(s)

DORRIE ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040308</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election with traverse of Species II shown in Figs. 14 & 15 in the reply filed on January 3, 2005 is acknowledged. The traversal is on the ground(s) that a search and a substantive analysis of the elected species will include same for the unelected species. This is not found persuasive because it does address the patentability of any one of the species with regard to the other species. Thus applicant has failed to submit valid grounds for overcoming the election requirement. See MPEP 808.01(a).

The requirement is still deemed proper and is therefore made FINAL.

2. Claim 22 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 3, 2005.

Information Disclosure Statement

3. The listing of a reference in the specification (as on page 2) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the reference has been cited by the examiner on form PTO-892, it has not been considered.

Drawings

4. The drawings are objected to as failing to comply with:
 - a. 37 CFR 1.83(a) because the drawings fail to show the following claim features:
 - i. A “perforated” cap.
 - ii. Claim 2, lines 4-6: “each of the retainers at least partially engages the second clamping ring by a segment cut out of two other segments that point in directions opposite one another”.
 - iii. Claim 11, lines 4-6: “the retainers engage the other clamping ring by a segment cut out from two additional segments that each point in one direction of the axis of rotation and away from one another”.
 - iv. Claims 8, 16, 19, 21 & 23-25: all limitations therein
 - b. 37 CFR 1.84(km) because the scale of the drawings (see particularly Fig. 14) is too small to show the details of the elected species without crowding
 - c. 37 CFR 1.84(p)(4) because reference character “49” has been used to designate both a ring-shaped element (see page 15, line 27) and a cut-out segment (see page 16, line 2 and page 17).
 - d. 37 CFR 1.84(p)(5) because:
 - v. Reference character S appears at Fig. 15 but not in the description.
 - vi. Reference character $\phi/2$ appears at page 16, line 23 but not in the drawings.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

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sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because:
 - a. Page 2, line 14 refers to a "U.S. Patent 640 901 B1". No such patent exists.
 - b. Page 16, lines 1 & 2 includes the nonsensical phrase 'which engages the outer clamping ring 45 by a recess 51 by a cut out segment 51a turned longitudinally away from the cut-out segment 49.'
7. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the detailed description of the elected species fails to provide proper antecedent basis for the following claimed subject matter:
 - a. Claim 5: "the first retainer . . . extends at a right angle to the axis of rotation"
 - b. Claim 13: "the first retainer . . . extends from the first clamping ring at right angles to the axis of rotation"
 - c. Claim 18: "the first retainer comprising a lip made from and extending off the first clamping ring at right angles to the axis of rotation"

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- d. Claims 23 & 25: all limitations therein

Claim Objections

8. The claims are objected to as failing to comply with 37 CFR 1.75(i) because elements of the claims are not separated by line indentation.

9. Claims 1 & 2 are objected to because:

- a. Claim 1, line 3, the word “one” is misspelled.
- b. Claim 2, line 5 identifies “one segment” with the reference numeral 17, 21 , 31, 33a, 49 or 51a and then identifies “two other segments” with the same reference numerals.

How can the “two other” segments be “other” if they are the same as the “one”?

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 2-8, 11-21, 24 & 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- a. Claim 2, lines 5 & 6 recites the limitation “a segment cut out of two other segments that point in directions opposite one another”. There is no description of such structure in the description of the elected species. There is no teaching of how to make such structure without undue experimentation.
- b. Claim 7 recites the limitation, “the second clamping ring is a perforated cap”. No such structure is disclosed or suggested with respect to the elected species. In the elected species, the second retainer (not clamping ring) is disclosed as a perforated cap (see page 15, line 24).
- c. Claim 11, lines 5 & 6 recites the limitation “a segment cut out from two additional segments that each point in one direction of the axis of rotation and away from one another”. There is no description of such structure in the description of the elected species. There is no teaching of how to make such structure without undue experimentation.
- d. Claim 21 recites the limitation, “the actuating element comprises a recess . . . where the recess may be pivoted”. There is no description of such structure in the description of the elected species. There is no teaching of how to make such structure without undue experimentation.
- e. Claim 24 recites that a retainer and an actuating body are on a common perforated cap. There is no description of such structure in the description of the elected species. There is no teaching of how to make such structure without undue experimentation.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 8, 17, 21 & 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 8 recites the limitation "the cut-out segments" in line 4. There is insufficient antecedent basis for this limitation in the claim. It is not clear which of the previously recited cut-out elements are "the cut-out elements"
- b. Claim 17 recites the limitation "the second compression fitting" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- c. Claims 21 & 23-25 recite "an actuating element" but it is not known what or who actuates the actuating element or how and why the actuating element is actuated.
- d. Claims 21 & 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the "actuating element" and the rest of the parts of the claimed invention. Is the actuating element a piece of the other parts? Is it a separate piece? If separate, then how is it held onto the other parts of the claimed invention.
- e. Claim 23 recites the limitation "the clamps" in lines 3 & 4. There is insufficient antecedent basis for this limitation in the claim.
- f. Claim 24 recites the limitation "the actuating elements" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1, 9, 10, 21 & 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Klotz et al, US 5,511,642. Fig. 3 shows a coupling arrangement comprising: a first clamping ring 86; a second clamping ring 90; clamping bodies 106 situated radially between the clamping rings; one clamping ring 86 fitted inside the other clamping ring 90, concentrically with the axis of rotation; a first retainer 108 is provided on the first clamping ring 90; and a second clamping ring 108 is arranged in a fixed manner in a longitudinal direction (see the tang 114) of an axis of rotation, the clamping rings 86, 90 and the clamping bodies 106 are held together in a longitudinal direction of the axis of rotation by the retainers 108. Fig. 4 shows the inner surface of the second clamping ring 90 is grooved around its circumference and includes radial ramped shaped projections 96.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 31 38 466.

According to applicants' explanation of relevance, all the limitations of claim 6 are, at least, obvious in view of this reference.

18. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 9 23 760.

According to applicants' explanation of relevance, all the limitations of these claims are, at least, obvious in view of this reference.

19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 11 28 229.

According to applicants' explanation of relevance, all the limitations of claim 9 are, at least, obvious in view of this reference.

20. Claims 1, 7 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 198 07 108. According to applicants' explanation of relevance, all the limitations of these claims are, at least, obvious in view of this reference.

21. Claims 1 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 196 26 959. According to applicants' explanation of relevance, all the limitations of these claims are, at least, obvious in view of this reference.

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22. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 195 35

889. According to applicants' explanation of relevance, all the limitations of these claims are, at least, obvious in view of this reference.

23. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 195 11 188.

According to applicants' explanation of relevance, all the limitations of this claims are, at least, obvious in view of this reference.

24. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 42 38 147.

According to applicants' explanation of relevance, all the limitations of these claims are, at least, obvious in view of this reference.

25. Claims 1 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 32 41

247. According to applicants' explanation of relevance, all the limitations of these claims are, at least, obvious in view of this reference.

26. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 10 67 303.

According to applicants' explanation of relevance, all the limitations of these claims are, at least, obvious in view of this reference.

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27. Claims 1 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 04 47 026. According to applicants' explanation of relevance, all the limitations of these claims are, at least, obvious in view of this reference.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tuck et al shows coupling arrangement.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GREGORY J. BINDA
PRIMARY EXAMINER

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